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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/021,100	10/30/2001	Thomas D. Petite	081607-1230	8966

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EXAMINER

DOAN, DUYEN MY

ART UNIT	PAPER NUMBER
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2143

DATE MAILED: 12/16/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/021,100

Applicant(s)

PETITE, THOMAS D.

Examiner

Duyen M. Doan

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 December 2005.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-53 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-53 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 October 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>10 IDS</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claims 1-53 are amended for examination.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-11, 3-23-53 are rejected under 35 U.S.C. 103(a) as being unpatentable over Salvo et al (us 6356205) (hereinafter Salvo) in view of Reeser (us 4973970).

As regarding claim 1, Salvo discloses at least one transceiver and coupled to a detector configured to detect pollution (see Salvo col.2, lines 35-67; col.3, lines 1-67; col.4, lines 46-62; col.6, lines 7-65; col.7, lines 54-67), the transceiver configured to generate a pollution information message, a transceiver network, the transceiver network further comprising: a plurality of network transceivers (see Salvo col.2, lines 35-67; col.3, lines 1-67; col.4, lines 46-62; col.6, lines 7-65; col.7, lines 54-67, plurality of transceivers, plurality of sites with plurality of transceivers), and configured to communicate the pollution information message with other network transceivers (see Salvo col.2, lines 35-67; col.3, lines 1-67; col.4, lines 46-62; col.6, lines 7-65; col.7, lines 54-67, plurality of transceivers, plurality of sites with plurality of transceivers, each

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transceiver can receive and send signal); at least one transceiver unit configured to communicate the pollution information message with at least one of the network transceivers (see Salvo col.2, lines 35-67; col.3, lines 1-67; col.4, lines 46-62; col.6, lines 7-65; col.7, lines 54-67); and at least one site controller coupled to the transceiver unit, the site controller configured to communicate the pollution information message between the transceiver unit and an intermediary communication system such that the pollution information message is communicated with a pollution monitoring management controller coupled to the intermediary communication system (see Salvo col.2, lines 35-67; col.3, lines 1-67; col.4, lines 46-62; col.6, lines 7-65; col.7, lines 54-67, see figure 1).

Salvo does not explicitly disclose each transceiver have an identification code.

Reeser teaches transceiver have an identification code (see abstract, col.3, lines 1-43).

It would have been obvious to one with ordinary skill in the art at the time the invention was made to combine the teaching of Reeser to the system of Salvo to have the identification codes for the transceivers because having identification code for the transceivers would precisely locate each particular point within the selected site location at which a contamination level reading is taken (see Reeser col.1, lines 6-16).

As regarding claim 2, Salvo-Reeser discloses wherein the intermediary communication system further comprises a portion of an Internet (see Salvo col.4, lines 46-62).

As regarding claim 3, Salvo-Reeser discloses wherein the intermediary communication system further comprises a portion of a digital communication system.

As regarding claim 4, Salvo-Reeser discloses wherein the intermediary communication system further comprises a portion of a public switched telephone network (see Salvo col.4, lines 46-62).

As regarding claim 5, Salvo-Reeser discloses wherein the intermediary communication system further comprises a combination of portions of at least an Internet, a digital communication system and a public switched telephone network (see Salvo col.4, lines 46-62).

As regarding claim 6, Salvo-Reeser discloses wherein the intermediary communication system further comprises a combination of portions of at least an Internet and a public switched telephone network (see Salvo col.4, lines 46-62).

As regarding claim 7, Salvo-Reeser discloses wherein the intermediary communication system further comprises a combination of portions of at least an Internet and a digital communication system (see Salvo col.4, lines 46-62).

As regarding claim 8, Salvo-Reeser discloses wherein the intermediary communication system further comprises a combination of portions of at least a digital communication system and a public switched telephone network (see Salvo col.4, lines 46-62).

As regarding claim 9, Salvo-Reeser discloses wherein the transceiver is coupled to a pollution detecting device and is configured to generate the pollution information message in response to a signal received from the pollution detecting device (see Salvo

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col.2, lines 35-67; col.3, lines 1-67; col.4, lines 46-62; col.6, lines 7-65; col.7, lines 54-67, see figure 1).

As regarding claim 10, Salvo-Reeser discloses a memory residing in each one of the network transceivers and the transceiver such that a communication transmission path is defined by at least one of the unique identification codes of the network transceivers and the first identification code of the transceiver, the communication transmission path being used to identify a location of the transceiver (see Reeser col.2, lines 51-67; col.3, lines 1-49, lines 59-67, transceiver transmit information and location identification to base station). The same motivation was utilized in claim 1 applied equally well to claim 10.

As regarding claim 11, Salvo-Reeser discloses a memory residing in the transceiver such that the first identification code resides in the memory and such that the first identification code is included as a portion of the pollution information message, whereby the first identification code is used to identify the nature of the pollution (see Reeser col.2, lines 51-67; col.3, lines 1-49, lines 59-67, transceiver transmits information obtain from the detector and transmit to base station). The same motivation was utilized in claim 1 applied equally well to claim 11.

As regarding claim 13-23, the limitations are similar to claims 1-11 therefore being rejected for the same rationale as claims 1-11.

As regarding claim 24, the limitations are similar to claims 1 therefore being rejected for the same rationale as claims 1.

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As regarding claim 25-35, the limitations are similar to claims 1-11 therefore being rejected for the same rationale as claims 1-11.

As regarding claim 36-42, the limitations are similar to claims 1-11 therefore being rejected for the same rationale as claims 1-11.

As regarding claim 46-49, the limitations are similar to claims 1-11 therefore being rejected for the same rationale as claims 1-11.

As regarding claim 50-52, the limitations are similar to claims 1-11 therefore being rejected for the same rationale as claims 1-11.

As regarding claim 53, the limitations are similar to claims 1 therefore being rejected for the same rationale as claims 1.

Claim 12 rejected under 35 U.S.C. 103(a) as being unpatentable over Salvo and Reeser as applied to claim 1 above, and further in view of Daum et al (us 2003/0046377).

As regarding claim 12, Salvo and Reeser discloses all limitation of claim 1 but fail to disclose a second transceiver having a second identification code and coupled to an electric distribution system, the second transceiver configured to communicate pollution information with the detector using a power line carrier (PLC) signal communicated over the electric distribution system, and further configured to communicate the pollution information message with at least one of the network transceivers.

Daum teaches using PLC signal communicated over the electric distribution system (see Daum pg.1, par 4-7).

It would have been obvious to one with ordinary skill in the art at the time the invention was made to combine the teaching of Daum to the system of Salvo-Reeser to use PLC signal communicated over the electric distribution system because using the PLC existed in the prior art would provide improved data rates and noise immunity at reasonable cost (see Daum pg.1, par 6).

Response to Arguments

Applicant's arguments with respect to claims 1-53 have been considered but are moot in view of the new ground(s) of rejection.

See the above rejection for detail.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the

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shortened statutory period will expire on the date the advisory action is mailed; and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

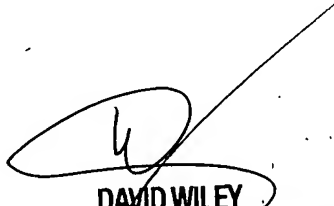
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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Duyen M. Doan whose telephone number is (571) 272-4226. The examiner can normally be reached on 9:30am-6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David A. Wiley can be reached on (571) 272-3923. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Examiner
Duyen Doan
Art unit 2143



DAVID WILEY
SUPERVISORY PATENT EXAMINER
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